

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 127 be amended to read as follows:

- 1 Page 2, between lines 16 and 17, begin a new paragraph and insert:
- 2 "SECTION 2. IC 3-6-6-0.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "mid election**
- 5 **day" refers to 1:00 p.m. on election day.**
- 6 SECTION 3. IC 3-6-6-10 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) A county
- 8 chairman may make nominations for precinct election offices by filing
- 9 the nominations in writing with the circuit court clerk not later than
- 10 noon twenty-one (21) days before the election.
- 11 (b) This subsection does not apply to the office of precinct inspector.
- 12 A county chairman may specify in the nomination of an individual for
- 13 a precinct election office that the individual is nominated to serve until
- 14 ~~noon on~~ **mid** election day and that another individual is nominated to
- 15 serve in the same precinct election office beginning at ~~noon on~~ **mid**
- 16 election day until the expiration of the term of the office under section
- 17 37(b) of this chapter.
- 18 SECTION 4. IC 3-6-6-11 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) A county
- 20 election board shall appoint the individuals who are nominated for
- 21 precinct election offices by the county chairmen if the individuals are
- 22 otherwise eligible under this chapter to serve in the precinct election
- 23 offices for which they are nominated.
- 24 (b) This subsection does not apply to the office of precinct inspector.
- 25 This subsection applies to an appointment to a precinct election office

made following a nomination by a county chairman under this chapter.
The county election board shall provide that an appointment of an individual to a precinct election office:

- (1) expires at ~~noon on~~ **mid** election day; or
- (2) begins at ~~noon on~~ **mid** election day and expires under section 37(b) of this chapter;

if the nomination made by the county chairman specifies that the nomination is made for a term that begins or expires at those times.

(c) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made by a county election board under section 13(b) of this chapter. The county election board may appoint an individual to a precinct election office for a term that:

- (1) expires at ~~noon on~~ **mid** election day; or
- (2) begins at ~~noon on~~ **mid** election day and expires under section 37(b) of this chapter."

Page 11, after line 23, begin a new paragraph and insert:

"SECTION 9. IC 3-11-4-18, AS AMENDED BY P.L.103-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before ~~6 p.m.~~ **the time the polls are required to close** on election day **under IC 3-11-8-8**, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) ~~This subsection applies after December 31, 2005.~~ As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) ~~This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 10. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. The polls in each precinct open at ~~6 a.m.~~ **6:30 a.m.** and close at ~~6 p.m.~~ **7:30 p.m.** on election day.

SECTION 11. IC 3-11-10-11, AS AMENDED BY P.L.221-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**

(b) Not later than noon on election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation to permit the board to provide certification of this filing to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**

SECTION 12. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being

absent from the county on election day during the entire ~~twelve~~
(12) hours time that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire ~~twelve~~ (12) hours time that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire ~~twelve~~ (12) hours time that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire ~~twelve~~ (12) hours time that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire ~~twelve~~ (12) hours time that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in

fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 13. IC 3-11-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. Each county election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the polls are required to close** on election day **under IC 3-11-8-8**. Upon notice that an electronic voting system is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

(1) necessary paper ballots;

(2) election booths with an adequate number of stalls;

(3) ballot boxes; and

(4) all necessary supplies and equipment as required by law.

SECTION 14. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been

- 1 endorsed with the initials of:
- 2 (A) the two (2) members of the absentee voter board in the
- 3 office of the clerk of the circuit court under IC 3-11-4-19 or
- 4 IC 3-11-10-27;
- 5 (B) the two (2) members of the absentee voter board visiting
- 6 the voter under IC 3-11-10-25; or
- 7 (C) the two (2) appointed members of the county election
- 8 board or their designated representatives under IC 3-11-4-19.
- 9 (2) The signatures do not correspond or there is no signature.
- 10 (3) The absentee voter is not a qualified voter in the precinct.
- 11 (4) The absentee voter has voted in person at the election.
- 12 (5) The absentee voter has not registered.
- 13 (6) The ballot is open or has been opened and resealed. This
- 14 subdivision does not permit an absentee ballot transmitted by fax
- 15 or electronic mail under IC 3-11-4-6 to be rejected because the
- 16 ballot was sealed in the absentee ballot envelope by the individual
- 17 designated by the circuit court to receive absentee ballots
- 18 transmitted by fax or electronic mail.
- 19 (7) The ballot envelope contains more than one (1) ballot of any
- 20 kind for the same office or public question.
- 21 (8) In case of a primary election, if the absentee voter has not
- 22 previously voted, the voter failed to execute the proper declaration
- 23 relative to age and qualifications and the political party with
- 24 which the voter intends to affiliate.
- 25 (9) The ballot has been challenged and not supported.
- 26 (b) Subsection (c) applies whenever a voter with a disability is
- 27 unable to make a signature:
- 28 (1) on an absentee ballot application that corresponds to the
- 29 voter's signature in the records of the county voter registration
- 30 office; or
- 31 (2) on an absentee ballot security envelope that corresponds with
- 32 the voter's signature:
- 33 (A) in the records of the county voter registration office; or
- 34 (B) on the absentee ballot application.
- 35 (c) The voter may request that the voter's signature or mark be
- 36 attested to by any of the following:
- 37 (1) The absentee voter board under section 22 of this chapter.
- 38 (2) A member of the voter's household.
- 39 (3) An individual serving as attorney in fact for the voter.
- 40 (d) An attestation under subsection (c) provides an adequate basis
- 41 for the absentee ballot counters to determine that a signature or mark
- 42 complies with subsection (a)(2).
- 43 (e) If the absentee ballot counters are unable to agree on a finding
- 44 described under this section or section 12 of this chapter, the county
- 45 election board shall make the finding.
- 46 (f) The absentee ballot counters or county election board shall issue
- 47 a certificate to a voter whose ballot has been rejected under this section

1 if the voter appears in person before the board not later than ~~5 p.m.~~ **one**
 2 **(1) hour before the time the polls are required to close** on election
 3 day **under IC 3-11-8-8**. The certificate must state that the voter's
 4 absentee ballot has been rejected and that the voter may vote in person
 5 under section 21 of this chapter if otherwise qualified to vote.

6 SECTION 15. IC 3-12-4-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) At ~~6 p.m.~~
 8 **the time the polls are required to close** on each election day **under**
 9 **IC 3-11-8-8**, the county election board shall assemble in a room to
 10 canvass the certificates, poll lists, and tally papers returned by each
 11 inspector in the county and to declare the results of the election as
 12 provided in this chapter.

13 (b) The canvassing must be performed in public under IC 5-14-1.5.
 14 However, the board may restrict access to parts of the room where
 15 election material is being handled or transported to safeguard the
 16 material.

17 (c) Except as provided in section 7 of this chapter, the county
 18 executive shall provide a room in the courthouse that contains adequate
 19 space to permit members of the public to witness the canvassing of
 20 votes."

21 Renumber all SECTIONS consecutively.

(Reference is to ESB 127 as printed February 24, 2006.)

Representative Day